MINISTRY OF AGRICULTURE, FISHERIES AND FOOD

Food Standards Committee
Report on
Claims and Misleading Descriptions

LONDON
HER MAJESTY'S STATIONERY OFFICE
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Food Standards Committee

The terms of reference of the Food Standards Committee are:

To advise the Secretary of State for Scotland, the Minister of Agriculture, Fisheries and Food, the Minister of Health, and as respects Northern Ireland the Secretary of State for the Home Department, on the composition, description, labelling and advertising of food with particular reference to the exercise of the powers conferred on Ministers by Sections 4, 5 and 7 of the Food and Drugs Act, 1955, and the corresponding provisions in enactments relating to Scotland and Northern Ireland.

The members of the Food Standards Committee at the time of the completion of this report were:

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FOOD STANDARDS COMMITTEE

Report on Claims and Misleading Descriptions

CHAPTER I: INTRODUCTION

Scope of the Report

1. In paragraph 1 of our Report on Food Labelling, we indicated that we were preparing a second report dealing with claims on labels and in advertisements. This report also covers misleading descriptions and completes our review of food labelling and advertisements. We are greatly indebted to Dr. Passmore and to Dr. W. T. C. Berry of the Ministry of Health for providing us with information on nutrition and other scientific and medical matters on which the conclusions and recommendations in this report are largely based.

Section 6 of the Food and Drugs Act, 1955

2. The basic control of claims and misleading descriptions is provided by Section 6 of the Food and Drugs Act, 1955, the first two sub-sections of which read:

> (1) A person who gives with any food or drug sold by him, or displays with any food or drug exposed by him for sale, a label, whether attached to or printed on the wrapper or container or not, which
>
> (*a*) falsely describes the food or drug, or
>
> (*b*) is calculated to mislead as to its nature, substance or quality,
>
> shall be guilty of an offence, unless he proves that he did not know, or could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.
>
> (2) A person who publishes, or is a party to the publication of, an advertisement.....which—
>
> (*a*) falsely describes any food or drug, or
>
> (*b*) is calculated to mislead as to the nature, substance or quality of any food or drug,
>
> shall be guilty of an offence, and in any proceedings under this sub-section against the manufacturer, producer or importer of the food or drug, it shall rest on the defendant to prove that he did not publish, and was not a party to the publication of, the advertisement.

3. This section is and must remain the basis of all control of claims and misleading descriptions. It does, however, in our view, need the support of more specific provisions in two directions: first, to clarify doubtful cases and secondly to ensure that the consumer is given adequate information in respect of claims affecting health.

4. We took legal advice on whether Section 6 applies to advertisements issued by Marketing Boards and Trade Associations for whole classes of food rather

than for specific products. We were advised that the Section does apply to such advertisements. We *recommend* that any regulations covering advertisements made under Section 7 as a result of our recommendations should have the same scope.

Guiding Principles

5. We have borne in mind in this report the three guiding principles we laid down in paragraph 4 of our Report on Food Labelling:

(*a*) Regulations for labelling must be designed to protect consumers and honest traders.

(*b*) If consumer and trade interests conflict, then the interests of consumers must take precedence.

(*c*) All labelling should be as clear and informative as possible.

In our view these principles apply equally to advertisements.

6. We think that these principles mean that the consumer has a right to know that the claims which are made are true and are not phrased in such a way that, although literally true, they are likely to mislead. In some cases, the consumer is also entitled to positive justification, to explanation and to statements of quantity. This must inevitably mean some restraint on the freedom of advertisers and labellers, but they would be quite certain of what would be required to fulfil their obligations under Section 6 of the Act. We have tried to limit our recommendations to those cases where there is clear evidence of abuse, where a specific rule would clarify matters for the consumer and the trade or where there is a need for a particular disclosure in respect of claims affecting health.

Nature of Control

7. In general, we think that the supports for Section 6 that are required can only be provided by regulations under Section 7. Food and drugs authorities in administering these regulations are likely, as usual, to act largely by advice and negotiation rather than by prosecution. Since there are no powers in the Food and Drugs Act to create a body which could regulate labelling and advertising and apply general principles in each specific case, we see no alternative but the application of specific provisions by means of regulations. Such regulations could usefully be supplemented by voluntary codes of practice.

8. Television advertising is in a somewhat special category. Statutory duties are laid on the Independent Television Authority by Section 8 of the Television Act, 1964, for the drawing up of a code governing standards and practice for television advertising, for securing compliance with that code and for giving necessary directions with regard to advertisements. Furthermore, Section 9 of that Act directs the Authority to appoint an Advisory Committee 'to give advice to the Authority with a view to the exclusion of misleading advertising from the programmes broadcast by the Authority, and otherwise as to the principles to be followed in connection with the advertisements included in such programmes or in any publications issued by the Authority.' The Advisory Committee also has the duty of keeping the code of practice under review. We were told by representatives of the Independent Television Authority

that their work in administering the Television Act would be made easier if specific regulations were made under the Food and Drugs Act, 1955, to cover certain types of claims.

CHAPTER II: CLAIMS

1. GENERAL

Categories

9. It seems to us that the claims made for foodstuffs can be divided into two categories: those claiming a general benefit and those claiming a specific physiological or therapeutic benefit.

General Benefit Claims

10. These usually take the form of assertions that a food is excellent or cheering or will produce a feeling of content or satisfaction. They may perhaps all be regarded as more sophisticated versions of the archetypal Victorian claim 'X's Jam is Good'. We regard most of these claims as innocuous or, where they are not wholly so, misleading only in a very marginal way. We consider that adequate protection for the consumer is provided by Section 6 of the Food and Drugs Act and we do not think any further action is required. We *recommend* accordingly.

Physiological and Therapeutic Claims

11. These claims are of greater importance and are more likely to mislead the consumer. Some of them are at present subject to control by virtue of Articles 8(*g*), 9 and 10 of the Labelling of Food Order, 1953.

12. The claims can be divided into three classes. In the first class the most important claims are those relating to foods as sources of energy, vitamins or minerals. In the second class the important claims are those relating to obesity, diabetes and other diseases. The third class consists of claims made for foods as restorative during and after illness and as tonics. These classes of claims are dealt with in the following sections. They are preceded in the first section by a short statement about the way in which food supplies the needs of the body. We hope this statement will help to explain the reasons for some of our subsequent recommendations. We think that physiological and therapeutic claims, other than those considered specifically in these sections, can be dealt with adequately under Section 6 of the Food and Drugs Act and no further action in regard to them is required.

General Principles for Controlling Claims

13. We do, however, *recommend* that in any regulations the following principles should be applied to all claims:—

(*i*) no claim should be made for particular value in a food when that value is not wholly contributed by the food, but is partly contributed by other foods with which it may be consumed (*e.g.*, the caloric value of a breakfast cereal on the basis that it will be eaten with milk and sugar);

(*ii*) no claim should be made which involves a false comparison. For example, the comparison of a product with a low moisture content with one with a high; or the comparison of a food usually consumed in small quantities with one usually consumed in large;

(*iii*) no claim should be made that a food is of specific benefit to health unless the claim can be justified on the basis of the composition of the food and the quantity normally consumed in a day.

2. CLAIMS BASED ON THE NORMAL CONSTITUENTS OF FOOD

A. ENERGY

Chemical Components of Food

14. Food may contain

Protein, Fat, Carbohydrate, Alcohol } which provide effectively all the energy.
Minerals
Vitamins—and, of course, water.

It is logical at this stage to consider what functions these serve in health, in the context of the Committee's task.

Energy—Foods as Sources of Energy

15. The human body utilises the energy potentially available in foods which is released when they are oxidised to carbon dioxide and water in the body to do the muscular work needed for physical activity, to maintain the body temperature and for the various chemical reactions necessary to preserve the health of the body. These changes take place in the body quantitatively within the law of the conservation of energy. Energy is by tradition in medical writing expressed in terms of the unit of heat, the calorie. The unit used in practice is a kilocalorie (kcal) which is one thousand times the calorie used by physicists. Protein, fat, carbohydrate and alcohol can each serve as a fuel for the body. Their approximate caloric content, available for use by the body is:

1 gram protein	4 kcal
1 gram fat	9 kcal
1 gram carbohydrate	4 kcal
1 gram alcohol	7 kcal

Within certain limits these can be interchanged as sources of energy. The energy present in the diet is usually found in the following proportions: protein 12%, carbohydrate about 50%, and fat the remainder. The proportion of the energy provided by protein varies little in the diets of individuals in Great Britain. The relative amounts of the energy provided by fat and carbohydrate often depart widely from the average mentioned above and this is compatible with health. Alcohol cannot be utilised by muscle to do work, but can be used as a source of heat to maintain body temperature. The amount of alcohol that the body can use for this purpose is limited. If energy in any of

these forms is consumed in the diet in excess of requirements, this excess is stored in the body, mostly in the form of fat (see para. 42 below). (1)

Quantitative requirements of energy

16. A healthy young man has been said to require food providing 3,200 kcal a day. There is much individual variation, but this is a figure representative of the needs of many men in the United Kingdom today. The requirement depends mainly on the degree of muscular activity involved in daily work and in recreation. A clerk who follows sedentary pursuits in his spare time can get along with only 2,000 kcal a day. A coalminer will probably need up to 4,000 kcal a day, and someone on holiday hiking in Scotland may require even more. Women, being smaller, need less food. A representative figure for a woman is 2,300 kcal a day with variations from 1,500 to 3,100 kcal a day. Those persons of either sex whose work or recreation involves much continuous muscular effort need extra energy in their diet. If the meal is not to be very bulky, a good proportion of the extra energy must be provided by those foods in which the concentration of energy is high. (1)

Energy Claims

17. We have been referring to energy in terms of calories. In everyday use the word has a wider, less exact and in some ways different meaning. When we speak of a person being 'full of energy', we are moving away from the strict physiological sense of the word 'energy'. It is thus possible for claims that a food gives energy or replaces energy to be true in the sense that nearly all foods provide calories and calories give energy, and yet to be quite misleading to the consumer. He will assume that the food is a particularly good source of energy, whereas it will probably provide no more energy in any sense of the word than the normal components of his diet and might indeed provide no energy at all in the everyday sense referred to above. We think that some control is essential and that the basic principle should be that all claims which state or imply that a food is energy-giving must be based on a high caloric content, and that the consumer should be informed of the amount of calories in the way that he will find most useful. We consider that 300 kcal would be a suitable basic unit. This is the amount of energy normally used in walking at a steady pace for one hour. We are here concerned mainly with foods consumed in a normal diet. We deal with foods specifically intended for invalids in paragraph 69 below.

18. *We recommend that:*

(i) No claim based overtly or by implication, whether in general terms on energy provision or in particular terms on caloric contribution should be made on a label or in an advertisement for any food unless the quantity that could reasonably be expected to be consumed in one day contributes at least 300 kcal.

(ii) When, in accordance with the provisions of sub-paragraph (i), a claim is made on a label or in an advertisement either overtly or by implication, whether in general terms on energy provision or in particular terms on caloric

(1) See Davidson, Sir Stanley and Passmore, R. Human Nutrition and Dietetics, 2nd Edition, 1963. Edinburgh: E and S. Livingstone—passim.

contribution, that a food contributes calories, the label of the food must bear a true statement of the calories contributed by one oz. or fluid oz. of that food, as appropriate.

Protein

19. Proteins are required for growth and for the renewal of the tissues. The protein content of the diets of children is of special importance. As stated in para. 15, proteins provide about 12 per cent of the calories in the normal diet. As some foods which may be consumed in large amounts (e.g. sugar, butter, cooking fats and alcoholic drinks) contain no protein, this overall average can only be achieved by consuming some foods with a high protein content. These include milk, cheese, meat, fish and eggs. In all of these the proportion of calories provided by protein is over 20%. We *recommend* that no claim, for a food or food product, suggesting either overtly or by implication that it is a source of protein, should be made on a label or in an advertisement, unless at least 20% of the caloric content is provided by protein, and unless the quantity that could reasonably be expected to be consumed in one day contributes at least 10 grams (about one ninth of the protein content of the average daily consumption per head) of protein. The question of claims that a food has restorative properties is dealt with in paragraphs 66-68 below.

Fats

20. Fats are valuable in the diet chiefly as a source of energy. Fats contain certain unsaturated fatty acids, known as essential fatty acids (EFA), which are necessary to prevent the occurrence of a deficiency state. The minimum amount required by man for this purpose is not accurately known, but it is certainly not more than a few grams per day. This deficiency state is very rare. However, the dietary intake of EFA, or more probably the proportion of EFA to other fatty acids in the diet, determines in part the level of blood cholesterol and this may be much more significant. A relative increase of dietary EFA lowers the level of blood cholesterol. It is further established that patients with coronary heart disease have, on average, a blood cholesterol higher than normal. It was therefore reasonable to postulate that a diet rich in EFA might, by lowering the blood cholesterol, have a protective action against coronary artery disease. In fact this has never been satisfactorily demonstrated. Medical opinion is divided on the role of dietary fat in the causation of this disease. Most research workers, who have studied the problem carefully, believe that factors other than the diet are more important. The food industry has now produced many varieties of cooking fat and of margarine which are relatively rich in EFA. The substitution of these fats for the usual ones will lower the blood cholesterol, but there is no direct evidence that this substitution provides any direct protection against any form of heart disease. We therefore *recommend* that, unless and until medical opinion becomes more concerted upon this issue, no claims that dietary fats are a protection against or of benefit to sufferers from heart disease should be permitted.

Carbohydrates

21. All carbohydrates have approximately the same value as a source of energy. We have already dealt with 'energy' claims in the preceding paragraphs. We know of no other dietary property of carbohydrates that needs attention here.

Alcobol

22. It is important to realise that alcohol is a food, which provides energy for the liver and some other organs. Alcoholic beverages may also contain small amounts of vitamins and many wines are rich in iron, but only in exceptional circumstances are these factors important in the diet. (See the immediately following paragraph which deals with vitamins and minerals and also paragraphs 62, 64 and 65.)

B. VITAMINS AND MINERALS

Vitamins and Minerals

23. Comparatively small amounts of certain vitamins and minerals are necessary for health. No supplementary supply is necessary for a healthy individual who is eating a normal diet. Nevertheless, it is reasonable that the producer of a food which is particularly rich in one or more of these nutrients should be allowed to draw the consumers' attention to the fact. But claims should not be made (a) for foods which do not make a substantial contribution even when eaten in reasonably large amounts, (b) for nutrients which, although essential to health, are already present in adequate amounts in any likely diet, or (c) for nutrients which have not been shown to be essential to man, however essential they may be to lower forms of life. There are also, of course, certain foods which are fortified with one or more nutrients (that is, their content is raised above that which is naturally present in the food) and are intended for some section of the community with nutritional needs above the average. An example is the fortification with vitamin D of milks intended for babies. For these it is desirable that the consumer should be told of their content.

Provisions of the Labelling of Food Order

24. Article 9 of the Labelling of Food Order, 1953, controls claims both on labels and in advertisements. The Second Schedule to the Order gives a list of those vitamins and minerals one or more of which must be present in the food before any claim can be made.

25. Two types of claims for the presence of vitamins are distinguished.
(*a*) A general claim, for example, 'This food contains vitamins'.
(*b*) A specific claim, e.g. 'This food contains vitamin D'.

26. The Order requires that whenever either of these claims appears in an advertisement or on a label the amount of each of the scheduled vitamins claimed shall be declared in the appropriate units. Only when the vitamins concerned are one or more of the scheduled vitamins can any claim for their presence be made.

Code of Practice

27. After the provisions had been included in the Labelling of Food Order, 1944, and repeated in the 1946 Order, a Code of Practice governing the claims which could be made when vitamins were present in food, was drawn up. In essence, claims were graduated by the amount of vitamin which the body ingested in a normal daily average intake of the food. Where the amount of vitamin so contributed was less than one-sixth of the daily requirement of that

vitamin, no declaration of vitamin content could be made and no mention of its presence was permissible. This effectively prevented spurious claims based on insignificant amounts of vitamins and minerals. The Code had to provide a table of the average daily requirements for each vitamin and the table published by the League of Nations Health Organisation (1937) was adopted.

Form of Declaration

28. To comply with the requirements of the Labelling of Food Order, the amount of each and every scheduled vitamin or mineral claimed to be present in the food must be shown in the units stated in the Second Schedule. The units are international units (vitamin A and D), milligrams (vitamins B_1, B_2 and C, nicotinic acid, iron, calcium and phosphorus), or micrograms (iodine). Since the body requires very different amounts of these substances daily, the information required on labels or advertisements has no meaning except to those few purchasers who are informed on these matters. We think that it is common knowledge that a small amount of each vitamin or mineral is required daily for the correct functioning of the human body, but that such knowledge does not extend to the quantities. If the amount of each vitamin or mineral present in a unit weight of the food were expressed as a fraction of the estimated allowance, the purchaser could judge the size of the contribution from the food in question to the normal adult allowance. To take a concrete example. If a food contains 1,000 international units of vitamin A in each ounce, this information must be stated on the label under the present Labelling of Food Order. We propose that this statement be replaced by: 'Each oz. of this food will provide two-fifths of the normal daily adult allowance of vitamin A'. This fraction is obtained by dividing the vitamin content of the food (1,000 i.u.) by the daily allowance (in this case 2,500 i.u.). We therefore *recommend* that a statement on the lines we have set out above should be required in the place of that laid down in Article 9 (1) and (2) of the Labelling of Food Order, 1953.

Table of Normal Adult Allowance

29. Clearly, if this recommendation is accepted, the new regulations will have to include a table of recommended allowances. We have adopted the table which is set out in Appendix A together with a discussion of the considerations which guided us in our choice of figures.

Vitamin D

30. In our view vitamin D requires to be treated differently from other nutrients. It is the only nutrient which is not difficult to consume unwittingly in excess and in these circumstances is likely to be dangerous at least for infants. A disease 'hypercalcaemia of infancy', which may be fatal, is usually associated with consumption of amounts of the vitamin in excess of the particular infant's needs. We think, therefore that, as well as the statement required by paragraph 28 above, there should be a statement of the amount of vitamin D contained in a standard weight or quantity of the product. We consider that it might be helpful if an indication was also given of the amount in terms of the utensil or measure commonly used in infant feeding. Thus for dried milks, the amount might be stated in terms of the scoop with which the powder is commonly measured, cereals per heaped teaspoon, preparations, such as cod liver oil, according to the measure used in dosing and rusks, if fortified, in terms of the

amount per rusk. While we would regard such information as generally helpful to ensure the proper and safe feeding of infants, we consider that it would be very difficult to require it by statute and even more difficult to enforce. We *recommend* therefore that the additional compulsory declaration should be in terms of the amount of vitamin D in a standard weight or quantity of the product.

31. We recognise that, particularly in foods such as dried milk, there is very great difficulty in estimating vitamin D content with accuracy. Where vitamin D occurs naturally in the food, manufacturers will only be able to give the best estimate they can obtain. Where, however, vitamin D has been added to the food, the figure in the declaration should be the sum of the expected potency (if any) of the unfortified food plus three quarters of the added vitamin D per unit of the product. This proposal makes an allowance for loss in processing. The analytical difficulties of vitamin D assay are well known to the food and drugs authorities and public analysts, so that manufacturers giving as reliable estimate as they can should not be in danger of action being taken against them.

Average Daily Consumption

32. The present voluntary Code of Practice permits claims to be made when the amount of the food that would ordinarily be consumed in one day contributes at least one-sixth of the normal adult intake of the vitamin or mineral. Should the contribution fall below one-sixth, no claim based on its presence should be made, nor should reference to its presence be made on a label or in an advertisement. This is the key section of the Code and has been instrumental in preventing claims being made based on very small contributions of vitamins and minerals. As the Code correctly states, the dietary value of vitamins and minerals depends not only upon the amount present, but also on the amount of the food consumed in a day (average daily consumption).

33. We *recommend* that the first four clauses of the Code of Practice should be incorporated in any revised Labelling of Food Order with some minor amendments so that it would read as follows:

(i) Unless the amount of the food that would ordinarly be consumed in one day contains at least one-sixth of the daily requirements of the vitamin or mineral

(*a*) no claim based on its presence should be made and

(*b*) no reference to its presence is justified in any advertisement for the general public, or on any label.

The inclusion of a mineral salt in the statement of ingredients required by the Labelling of Food Order will not of itself be regarded as implying the presence of a scheduled mineral.

(ii) Unless the amount of the food that would ordinarily be consumed in one day contains at least one half of the daily requirement of the vitamin or mineral

no claims are justified which imply that the food is enriched or is a 'rich' or 'excellent' source of the vitamin or mineral.

(iii) Unless the amount of the food that would ordinarily be consumed in one day contains at least the full daily requirement of the vitamin or mineral

no reference is justified to the value of the food for the prevention or cure of disease due to the lack of vitamin or mineral present in the food.

(iv) Claims based on the presence of more than one vitamin or mineral should not be made unless each such vitamin or mineral is present in the proportion necessary to justify the claim.

Mention in List of Ingredients Only

34. Sub-paragraph (i) above must, of course, be read in the light of the present provision in the Labelling of Food Order (Article 9(2)) that a claim shall not be considered to have been made if the only suggestion that the substance is present in food is its inclusion in a statement of ingredients. We *recommend* that this provision be maintained.

Undesirable Claims

35. In addition to the claims dealt with in paragraph 33 above, we regard the following, which are drawn from a list of undesirable claims published by the Advertising Association, as undesirable.

(*a*) That a full, properly mixed diet needs to be supplemented with vitamin products.

(*b*) That good looks and good health in middle age or later can be maintained only by vitamin products.

(*c*) That healthy persons can be made to look younger or live longer by taking vitamin products.

(*d*) Claims or implications that irritability, nerviness and lack of energy are only due to vitamin deficiency.

(*e*) That the fat-soluble vitamins A and D (the vitamins for which cod-liver oil and halibut-liver oil are so popular) or vitamin C, either hasten recovery from infections such as colds and influenza, or protect the individual from contracting such ailments.

(*f*) That any additional benefit can be obtained from a product containing more than 400 units of vitamin D in a daily dose. A product which contributes more than this amount and which is capable of being administered to young children may present dangers to children under 5 years of age.

(*g*) That there is evidence of general and widespread vitamin deficiencies.

All these claims should never be made, but we think that they are best dealt with by a Code of Practice such as that issued by the Advertising Association and, as far as statutory control is required, by the provisions of Section 6 of the Food and Drugs Act 1955.

Vitamins and Minerals Not Mentioned in the Second Schedule

36. In the past claims have been made on behalf of various organic and inorganic substances that they possess special properties and are needed by the human body. Many of these substances are already present in the normal diet

in sufficient quantities and there is therefore no justification for claiming that there is a need for additional quantities. As far as certain other substances are concerned, new knowledge about the dietary requirements of man is being collected slowly and there is not yet sufficient evidence to justify claims of a need for additions to the normal diet. We therefore *recommend* that for substances other than those contained in the Second Schedule to the Labelling of Food Order, 1953, amended as suggested in Paragraph 37 below, no claims that they possess special properties or are needed by the human body should be allowed in any form.

Changes in the Second Schedule of the Labelling of Food Order

37. There is now good evidence that folic acid is a substance which is needed by the human body and we therefore *recommend* that it should be added to the Second Schedule of the Labelling of Food Order, 1953. We have also included an appropriate recommended allowance figure in Appendix A. We have considered the existing provisions of the Second Schedule and do not recommend that any further changes be made except that the terminology needs to be brought into line with current practice.

Exemptions

38. We have considered the exemptions listed in Articles 9(3) and 9(4) of the Labelling of Food Order, 1953. Article 9(3) completely exempts the following foods from the provision of Article 9: fruit and vegetables, liquid cow's milk, shell eggs, fish of any description and any food served by a caterer as a meal or part of a meal. We are not convinced that any of these foods need to be treated exceptionally when a claim for the presence of vitamins or minerals is made on their behalf either on a label or advertisement and we therefore *recommend* that the exemption in Article 9(3) be withdrawn. We further *recommend* that the scope of Article 9, as amended, should be extended to non-pre-packed as well as pre-packed food.

39. Article 9(4) allows claims for butter as a natural source of vitamin A to be made without a statement of the minimum quantity of vitamin A contained. This provision was introduced mainly to offset the effect of the compulsory vitaminisation of retail margarine. The vitamin content of the latter was known and declared whereas that of butter was dependent upon climate, season and husbandry of the cow, and therefore could not be stated without analysis of every batch, a process incompatible with large-scale pre-packaging. (Further the Code of Practice could not be complied with at that time because butter was scarce and average daily consumption low.) We are nevertheless of the opinion that the exemption should be withdrawn, particularly since the wide variation in the vitamin A content of butter means that at present claims for the presence of vitamin A may legally be made for butter containing very little. Such claims must be misleading. There should be no exception to the rule that vitamin claims should not be made without a quantitative declaration. We *recommend* that no claim for the presence of vitamin A in butter should be permitted unless substantiated by a quantitative declaration in the same way as for other products.

The Required Declaration in Advertisements

40. By virtue of Article 9(7) of the Labelling of Food Order, if the label of a product containing vitamins or minerals carries the required declaration, it is not necessary in an advertisement of the same product to repeat the information. We *recommend* that this proviso be maintained but that the phrasing of the advertisement, whether written or oral, should not in any way be inconsistent with that compulsorily imposed by means of the quantitative statement on the label.

3. CLAIMS FOR FOOD WHICH ARE SAID TO BE SPECIALLY SUITABLE FOR SPECIFIC AILMENTS OR CONDITIONS

A. OVERWEIGHT AND OBESITY

41. The problems of weight control have received much attention in recent years. The number of people who are overweight increases as society becomes more prosperous. A slim figure is in many circles a social asset and the dangers to health of excess fat are widely known. There are many products on the market for which claims are made that they will enable people to control or reduce their weight. Before considering these claims it is necessary to state briefly what is known about the control of body weight.

The Calorie Balance

42. If the food supply is in excess of requirement, the excess energy is stored. The store of energy in the body is mostly in the form of fat. A healthy woman may have an energy reserve of about 15 kg (33 lb.) of fat, enough to protect against starvation for about 50 days. A normal man in health carries a smaller store of energy—about 8 kg (18 lb.). The main components of the energy balance may be related by the equation:

Energy IN	=	Energy OUT	±	change in Energy STORE
food		work		fat
		heat		
		excreta		

A very small change in the amounts going IN or OUT will, if continued for a long time, alter the size of the store greatly. Thus an extra daily consumption of 20 g. ($\frac{2}{3}$ oz.) of butter or a decision to give up a 20 minute walk to the station and back morning and evening and take a bus will upset the balance by about 170 kcal/day. Over a year this will lead to a gain in weight of 6.4 kg (one stone) if corresponding adjustments in diet or activity are not made. Thus a considerable degree of obesity can arise without either obvious gluttony or sloth.

Control of Food Intake

43. The fact that in a year most of us eat over 1,000 lb. weight of food and that our body weight does not vary by more than 2 or 3 lb. indicates the precision of the overall control of food intake. The control is effected by two centres at the base of the brain—a feeding centre which makes us hungry and so starts us eating and a satiety centre which stops us eating. The feeding centre can become active as a result of changes in the levels of sugar or fat in the blood, a fall in body temperature or from the movements of an empty stomach. In prosperous

countries feeding is seldom initiated by hunger resulting from these physiological stimuli but by habit and custom. It is time for the family meal or the canteen has just opened. Control of the food intake is determined mostly by when we stop eating. Unfortunately very little is known about how the satiety centre, which stops us, works.

Reducing

44. If we have been gaining weight, it is possible to lose it either by cutting down the amount of food eaten or by increasing energy expenditure by more physical exercise. Most people seem to prefer the former method. If a woman reduces her food intake to 1,200 kcal/day and remains active, the negative calorie balance means that she will have to draw on her fat stores for about 110 g. (3½ oz.) a day. In 8 weeks she may expect to lose a stone.

45. No great degree of determination is needed to reduce by this amount. Most people who are overweight can lose up to one stone by self-imposed restrictions on their normal diet without the assistance of any particular dietary regime or special food. Because of the varying degree of individual determination, it is very difficult to provide scientific evidence that any special diet or food is of value. As an initial but limited success is likely to follow the use of any method of calorie restriction, it is not surprising that many different regimes are credited with the power of reducing weight.

46. If anyone is more than a stone overweight and particularly if the condition is of long standing, advice should be sought from the medical or dietetic professions. An individual may, however, safely aim to lose a surplus stone without expert assistance. Further loss of weight is usually associated with much discomfort and misery and great resolution is needed to persevere. Results are usually disappointing and even the best obesity clinics rarely record satisfactory and lasting weight reduction in more than one in ten of their patients who are seriously overweight. Maintenance of reduced weight is also often even more difficult than the reducing itself. A great variety of diets, special foods, physical regimens and drugs have been used. The medical profession would not claim that any of these had been of more than marginal benefit to some of their patients. However, many people believe that they have been helped in their resolution by a particular food or regimen.

47. The amount of fat stored is dependent on the quantity of excess calories and is independent of their origin. Although any excess of calories from either protein, fat, carbohydrate or alcohol is laid down as fat, these substances may have different effects on the satiety centre and thus one may occasion a lower energy intake and so be less fattening than another. The view is held by some doctors that protein is more satisfying than the equivalent amount of carbohydrate. Steaks in America have acquired a considerable reputation as aids to slimming. However it is not known if all proteins have a similar effect (if indeed the effect exists) nor is there any reliable information about how much protein must be substituted for carbohydrate to produce an effect. The effect on the satiety centre of varying the amounts of protein in normal diets is very difficult to study in man. It is certainly not large, but may be sufficient to justify the use of high protein diets in the treatment of obesity.

Foods which are Claimed to be Aids to Slimming

48. Slimming properties are or have been claimed, directly or by implication for the following sorts of foods:

(*a*) *Low-calorie whole diet preparations:*

These are preparations in which adequate amounts of all the nutrients are artificially blended. The caloric content of the preparation is stated and suitable amounts of the preparation for daily consumption are stated on the label. Some obese patients may find an artificial diet an aid in breaking established bad dietary habits. It enables them to go for periods of time, which may be measured in days or weeks, with no ordinary food.

(*b*) *Low-calorie substitute foods:*

In a typical example sucrose is replaced by a sweetener containing little or no calories. These foods include low-calorie soft drinks. A low-calorie soft drink may enable the would-be slimmer to drink with his friends without consuming many calories. If such products are labelled e.g. 'low-calorie lemonade' their value and their limitations should be clear without any further claim or implication that they are of use in slimming.

(*c*) *Starch-reduced foods:*

These are made mostly from wheat flour from which a proportion of the starch has been removed. They thus provide relatively more of their energy as protein although the total energy per ounce is not reduced. In some foods further protein may be added. Marketing of these foods is often defended on the hypothesis that a given amount of protein is more satisfying than an amount of carbohydrate providing the same calories. (See paragraph 47.) If this is so, such foods may be of help to some patients. However, they are not generally accepted as part of the medical treatment of obesity.

(*d*) *Low-calorie filling foods:*

These are foods in which the bulk has been artificially increased by the addition of some inert indigestible material. Methyl cellulose has been widely used for this purpose, for example in biscuits. An increase in the bulk of the food may help to give some people a feeling of repletion. The value of these foods as aids to slimming has not been established in reputable scientific trials.

(*e*) *Aerated foods:*

These foods are similar in composition to normal foods but their bulk is artificially increased usually by the incorporation of air, carbon dioxide or other gas. The increase in specific volume in breads, which are the most important products in this class, may be achieved by compositional changes of which increasing the wheat protein content is the most important. Claims are made that these foods are useful aids to slimming on the basis that the inclusion of air increases the volume without increasing the weight of the food, and that this ensures a smaller intake in comparison with the same volume of a similar but unmodified food. The argument is based on the assumption that the amount of food to be eaten is determined by the eye irrespective of weight and irrespective of any feeling of insufficiency. It is used particularly in connection with certain kinds of bread and the assump-

tion is that many people eat as a matter of habit a fixed number of slices of the same dimensions at a meal regardless of the density of the bread. Such claims have not been backed by reputable scientific trials. Only a single item of the diet is affected and the use of such a food may only lead to increased consumption of another food at the same or at a different meal.

(*f*) *Artificial sweeteners:*

This category covers artificial sweeteners and mixtures of sugar and artificial sweeteners.

49. The expression 'slimming foods' is a contradiction in terms. All foods contain energy and so can be fattening. However, some foods *may* produce the sensation of satiety more readily than others and so be an aid to slimming, though this is very difficult to establish. There is no food or special dietary regime, other than calorie reduction, with proven slimming properties for all obese people. The most that can be claimed for any of them is that they have helped some people in their resolution to keep to a dietary restriction which may be unpleasant.

50. The majority of overweight individuals are unlikely to derive lasting benefit from any of the sorts of food mentioned in paragraph 48. However, there may well be those who find in them some help in sustaining their resolution to keep to a diet which is unsatisfying and to that degree there may be claims or statements about their use with calorie-controlled diets that can validly be made. We recognise that this is a field in which claims are difficult to justify and have a tendency to mislead. This is particularly true of aerated foods but we do not think it would be equitable to treat in a markedly different way claims that aerated foods can aid slimming and similar claims in respect of the other types of food listed in paragraph 48 above. In addition a number of people who would not be regarded either as obese or in need of stringent measures for reduction in weight on medical grounds, are conscious of a desire to keep their weight within certain bounds. Quite small changes in their diet are sufficient to achieve this purpose and it may be that some of them will be assisted in their endeavours by making use of one or other of the above kinds of food. The existence of this group of persons makes reasonable the use of less stringent standards of justification in relation to these claims.

51. We have therefore tried to suggest limits within which claims can be made. Before the need for more stringent controls can be considered further, it will be necessary to see the effect of our present proposals. In addition current nutritional studies may throw fresh light on the various problems involved. We therefore *recommend* that claims of this type be reconsidered five years after the making of any regulations on this subject which result from this report.

52. In order that the consumer should not be misled as to the worth and use of the food and should be able to make an intelligent appreciation of its place in his diet, we think that specific labelling requirements are necessary for all the type of foods referred to in paragraph 48. We have considered the need for more general controls which would reinforce the provisions of Section 6 of the Food and Drugs Act, 1955. We have also examined the work of bodies which, in

varying degrees, exercise non-statutory control over advertising and in general we have found common ground with them in their views and the principles they put into practice. In the light of these considerations, we *recommend* that the following three basic rules should be laid down in regulations:

(i) No claim should be made that a food is a slimming food or has intrinsic weight-reducing properties. The most that should be claimed for a food that qualifies under paragraph 55 below is that it is useful in—or is—a weight-reducing diet and such claims should be justified as we propose in paragraphs 53 and 54 below. The form of the claim should be 'useful in a weight-reducing diet' or 'useful as a weight-reducing diet'.

(ii) No claims should be made for a food as an aid to weight reduction except in the context of its being or being part of a properly designed diet. The statement that the food must be or be part of a properly designed diet must be made clearly, prominently and as part of or in immediate juxtaposition to the claim itself.

(iii) No claim should be made that anyone wishing to reduce weight should not consult a doctor.

By 'claims' we mean claims on labels or in advertisements of any kind whatsoever.

53. When any claim is properly made in accordance with paragraph 52 above, whether overtly or by implication, we *recommend* that the label of the food should contain the following information:

(i) In the case of low-calorie whole diet foods
- (*a*) the words LOW-CALORIE WHOLE DIET FOOD as a sub-designation.
- (*b*) Full list of ingredients.
- (*c*) The amount of the food to be consumed in one day.
- (*d*) The caloric value of the daily dosage.

(ii) In the case of categories (*b*) and (*d*) in paragraph 48,
- (*a*) The words CALORIE-REDUCED FOOD as a sub-designation. (Where the food, as in the case of certain types of soft drink has a low calorie content to start with, the words LOW-CALORIE could replace CALORIE-REDUCED).
- (*b*) Full list of ingredients.
- (*c*) The caloric value of a determined quantity of the food.

(iii) In the case of starch-reduced foods—
- (*a*) The words STARCH-REDUCED FOOD as a sub-designation.
- (*b*) Full list of ingredients.
- (*c*) The caloric value of a determined quantity of the food.
- (*d*) Percentage reduction in carbohydrate as compared on a dry weight basis with its unmodified counterpart.

(iv) In the case of aerated foods—
- (*a*) The words AERATED FOOD as a sub-designation.
- (*b*) Full list of ingredients.
- (*c*) The caloric value of a determined quantity of the food.

(v) In the case of artificial sweeteners—

(*a*) Full list of ingredients.

(*b*) The caloric value of a determined quantity of the artificial sweetener.

In the descriptions laid down in (i)(*a*), (ii)(*a*), (iii)(*a*), and (iv)(*a*) above, the common or usual name or appropriate designation of the food could replace the word 'FOOD'.

54. Since advertisements may mislead buyers before they have the opportunity to study the information on the label, we have considered how far the label disclosures we require in paragraphs 52 and 53 should apply to advertisements and have concluded that, provided paragraph 52 and 53 are implemented, advertisements need only bear a disclosure of the basis of claim. This can be achieved by a sub-designation disclosing the class of the food ('low-calorie whole diet food', 'calorie-reduced food', 'starch-reduced food', or 'aerated food'), joined with the name of the food, wherever it appears. We therefore *recommend* that where a claim is properly made in an advertisement in accordance with paragraph 52 above, whether it is overtly or by implication, the advertisement should be subject to the provisions in paragraph 53(i)(*a*), 53(ii)(*a*), 53(iii)(*a*) and 53(iv)(*a*) as the case may be.

55. For low-calorie whole diet foods or preparations our proposals would provide satisfactory information on identity, composition and use, and, since such foods are offered as the whole diet, we would leave their efficiency to the general tests of Section 6 of the Food and Drugs Act. For the other categories of food, however, some further control is necessary in order that a claim for their efficiency as an aid to slimming may be justified. Low-calorie filling foods, low-calorie substitute foods, starch-reduced foods and aerated foods are all, to some degree, modified forms of food used in ordinary diets and their justification depends upon the degree of their modification and on their composition. We therefore think that if a claim is to be allowed, the modified food should show a substantial decrease in caloric value from the unmodified food it is intended to replace or for starch reduced foods a substantial reduction in carbohydate content. A similar type of provision is required for artificial sweeteners. We therefore *recommend*:

(i) that in respect of calorie-reduced foods and low-calorie filling foods, no claim should be made that a food is an aid to slimming unless, compared on a dry weight basis with its unmodified counterpart, there is a 25% reduction in caloric value, (in the case of foods described as 'Low Calorie', the comparison would be with a similar product sweetened by a carbohydrate sweetener),

(ii) that in respect of starch-reduced foods, no claim should be made that a food is an aid to slimming unless in the case of bread, biscuits, rusks or cereal breakfast foods, it complies with Regulation 23 of the Bread and Flour Regulations 1963 and unless in the case of any other cereal based food there is a reduction in carbohydrate content compared on a dry weight basis with its unmodified counterpart of at least 35%,

(iii) that in respect of aerated foods, no claim should be made that a food is an aid to slimming unless there is a 25% increase in specific volume compared with its unmodified counterpart,

(iv) that in respect of artificial sweeteners, no claim should be made that they are an aid to slimming unless either their caloric contribution is negligible for the quantity normally to be used in one day or the caloric contribution is less than 25% of that of the amount of sugar of claimed equivalent sweetening power.

Diet Supplements

56. These products usually consist of vitamin and mineral supplements and are designed to ensure that there is an adequate intake of these substances when a person is using a special diet. The labelling of vitamins and minerals is already controlled and we have recommended elsewhere in this Report that such control should continue. These supplements may be prescribed by doctors for patients on slimming diets low in vitamins. We do not consider that any claims for usefulness as an aid to slimming should be made for them; and we *recommend* accordingly.

B. DIABETES

Nature of the Disease

57. Diabetes is a disease in which the ability of the patient to dispose of his food in the normal way is impaired: this is due to insufficiency of insulin produced by the pancreas. Sometimes the pancreas is primarily at fault, but more commonly the insufficiency is due to increased demands of the tissue for insulin. In diabetes there is a general defect in the disposal of all the three main sources of energy in the diet. The failure to dispose of carbohydrate is most easily detected because the sugar level in the blood rises and sugar appears in the urine.

58. Many people with diabetes can be effectively treated by dietary restrictions alone. If they are able to keep themselves at or just below their proper weight they may maintain good health and their urine may be sugar free. While a general reduction in food intake is usually necessary, a special reduction in the carbohydrate intake is often considered advisable especially in patients whose diabetes is sufficiently severe to need treatment with insulin. To facilitate this reduction a variety of 'Diabetic foods' have been prepared and marketed in which the sugar content is greatly reduced. These include 'diabetic' chocolates, fruit drinks and preserves. In most of these the sweetening agent is sorbitol. Sorbitol is a carbohydrate derivative which is absorbed from the intestine much more slowly than glucose.

Recommendations

59. We regard it as extremely important that the risk of sufferers from diabetes being misled by claims or general labelling should be eliminated as far as possible and we therefore *recommend* as follows:

(i) no food should be described in labels or advertisements in terms suggesting in any way that it is suitable or specially prepared for diabetics unless:

(*a*) it contains no added carbohydrate;
(*b*) its composition is such that its content of carbohydrate is—weight for weight—substantially less than that of similar foods sold under

the same or a substantially similar name but not indicated as being suitable for diabetics;

(*c*) the carbohydrate content is stated on the label in grams per ounce.

(ii) phrases implying absence of sugar, such as 'sugarless' or 'sugar-free' should not be applied in labels or advertisements to any food that is described in terms suggesting in any way that it is suitable or specially prepared for diabetics, if that food contains carbohydrate, whether added or whether present in the ingredients;

(iii) no label or advertisement for any food containing sorbitol should contain any statement or suggestion that the food is of lower caloric value than if an equivalent amount of sugar had been present instead of sorbitol or that the food is an aid to slimming or to weight-reduction.

Use of 'Dietetic'

60. Some danger may arise to diabetics from the use of the word 'dietetic' to denote the presence of some health giving property in food or drink. It is only too easy for this word to be misheard (or even misread) as 'diabetic'. We commend to manufacturers the use of the word 'dietary' in place of 'dietetic' and urge that the greatest caution should be exercised in the use of 'dietetic' and that it should not be employed in any case where confusion might result.

Definition of Carbohydrate

61. For the purposes of items (i) and (ii) of paragraph 59 the word carbohydrate is used to mean all the common sugars, starch and products of starch hydrolysis except sorbitol.

C. OTHER DISEASES

62. We consider that claims that foods have medicinal properties should be confined to those which cure, alleviate or prevent disease. Claims should only be made when the substance which is claimed to have medicinal properties is generally recognised by the medical profession as having such properties and is present in a sufficient quantity. We should not expect to find many foods in this category. The Labelling of Food Order, 1953, Part V, Article 8(*g*) prohibits medicinal claim for liquors which are based on the presence of alcohol. We *recommend* that this prohibition should apply to all foods and not only liquors.

63. Where claims are made that a food can cure, alleviate or prevent disease we *recommend* that the label should state clearly the specific medicinal purpose of the food, the ingredient or ingredients which enable it to meet that purpose, the quantity of the ingredient or ingredients present and the quantity of the food required to be consumed to obtain the medicinal benefit.

4. RESTORATIVE AND TONIC CLAIMS

Provision in the Labelling of Food Order, 1953

64. Article 8(*g*) of the Labelling of Food Order, 1953, lays down that no liquor shall be described on a label by 'any name or words calculated to indicate either directly or by ambiguity, omission or inference that the liquor has properties

which make it beneficial for invalids or has tonic, restorative or medicinal properties, unless:

(i) the liquor contains a substance or substances other than alcohol added in such quantity as to confer such properties, and

(ii) the description is accompanied by a statement of the approximate percentage present of such substance or substances.

Provided that this paragraph shall not apply to a soft drink described in a label by the name of 'Indian Tonic Water' or 'Quinine Tonic Water' which contains not less than $\frac{1}{2}$ grain of quinine (calculated as quinine sulphate B.P.) per pint'.

65. Article 10 of the Order forbids claims on labels that a food has tonic properties 'by reason only that such food contains (*a*) alcohol (*b*) sugars or other carbohydrates, (*c*) protein or substances prepared from the hydrolysis of protein or (*d*) caffeine or other purine derivatives'.

Restorative Claims

66. Before the 1939-45 war many patients were underweight at the beginning of their illnesses and more lost weight as a result of long periods of fever. Their convalescence involved the restoration of muscle and other active tissue and for this diets rich in protein were required. Today, thanks to better nutrition of the community, more potent drugs to control infection and to advances in physiotherapy and dietetics, such patients are rarely seen. However, there is a minority of patients, who may have been burnt or injured or suffering from uncontrollable sepsis, who still need a restorative diet during convalescence.

67. In our view, a food should only be regarded as 'restorative' if it accelerates recovery of active tissues of the body lost through illness or accidents. It is not sufficient for a food to confer no more benefit than would a normal mixed diet. It is true that in common usage the word 'restorative' has a very wide meaning, but we think that where claims are made, its use should be more precise and restricted. This seems to us to limit restorative claims to foods with a high content of protein. The important point is the acceleration of recovery. Thus, for example, a food rich in protein, which would have a specific use in helping to replace a massive loss of protein after a severe burn, can be claimed to be restorative.

68. Milk, meat, poultry, fish and eggs are natural foods which come in this category and restorative claims can properly be made for them, although their sales are usually promoted on other grounds. We are mainly concerned with the more difficult question of processed foods. We *recommend* that claims for restorative properties for such foods should be limited to those which will provide not less than 25 grams of protein per day when consumed in reasonable amounts, i.e. 100 kcal in the form of protein. The label of the foodstuff should state clearly the substance of which it is composed, the circumstances in which it should be used, and the amounts to be consumed.

Invalid Foods

69. There are foods which are useful in invalid diets because they stimulate appetite, are easily digested or present normal constituents of the diet in a

way which is attractive to invalids. We *recommend* that claims that these foods are in any way restorative should not be allowed but it should be permissible to describe them as useful or suitable foods for invalids.

Tonic Claims

70. Tonic claims suggest that the food about which they are made will increase a recuperating individual's sense of well-being. We have considered an article on 'Tonics' which appeared in the *Prescribers' Journal* in September, 1961 (see Appendix "B"). This comes to the following conclusion: 'In fact there are no controlled clinical trials which demonstrate true tonic properties for any of the pharmaceutical substances which are described as 'tonics'.' This article is concerned with claims for pharmaceutical substances which are in the nature of medicines but we consider that its conclusions are equally valid when applied to foodstuffs. No controlled trials have demonstrated true tonic properties for any food, and we think that there is no scientific justification for any claims for tonic properties. We *recommend* that none should be permitted.

71. We *recommend* no change in the provisions with regard to Indian Tonic Water and Quinine Tonic Water.

5. RELATION OF LABELS AND ADVERTISEMENTS

72. While we have proposed in paragraphs 52 and 55 of this Report that certain claims should be qualified in labels and on advertisements in the context in which they are made because the qualification is an essential part of a true claim, we have also proposed in paragraphs 18, 40, 53, 59, 63 and 68 that the compulsory explanation and justification of claims made either on labels or in advertisements should be required to be made on labels only. In our view, the sort of explanation of the nature of claims that we have recommended in these paragraphs becomes important at the point where the product is actually bought. Further, we consider that there would be serious practical difficulties in reproducing on advertisements all the information that we think should be given; in the case of television advertisements, indeed, it would be almost impossible. In any event, an explanation in an advertisement, however detailed and even though in close proximity to the claim itself, would not be of the same help or protection to the consumer as an identical explanation on the label of the product which he can read immediately before he buys or at least before he consumes, although the explanation may not physically be in close proximity to the claim being made.

CHAPTER III: MISLEADING DESCRIPTIONS

1. GENERAL

'When *I* use a word' Humpty Dumpty said in rather a scornful tone, 'it means just what I choose it to mean—neither more nor less.'

'The question is' said Alice, 'whether you *can* make words mean so many different things.'

'The question is,' said Humpty Dumpty, 'which is to be master—that's all.'

73. Food is sold by words and pictures; they are the means of communication between buyer and seller and unless a standard of honesty and intelligibility is maintained the consumer will be misled and confused and the position of the honest trader will be prejudiced. Section 6 of the Food and Drugs Act (see para. 5 above) provides general protection against the use of false or misleading words and descriptions. Our aim has been to consider whether any more specific provisions are required to deal with particular problems and abuses.

74. Technology in the compounding, processing and distribution of foods is advancing rapidly and must result in variations in production and presentation of particular products. It is reasonable for traditional names to be used for innovations if there is little material difference between new and old or the new has replaced the old in common acceptance. The great development in food processing has been in the convenience of the forms in which food is now available. We certainly do not wish to hamper advertisements and labels which make these developments known to the consumer.

75. There is none the less a permanent danger of the debasement of accepted terms for specific articles of food by, for instance, passing off inferior or different products under the name of a particular food. The possibility of the consumer being misled may be increased by reluctance to call new products by meaningful names, by natural reluctance to call products by their right names if these are thought to be unpopular or likely to provoke consumer-resistance, by the addition of meaningless superlatives to names and by the use of names, misleading in themselves, inconspicuously qualified. There is a constant tendency for words to lose their precise meanings and to become blurred and indefinite; positive action may be necessary in certain cases to arrest this process.

2. PICTURES, WORDS AND PHRASES IN GENERAL USE

Pictorial Devices

76. The general control of pictorial devices is provided by Section 6 of the Food and Drugs Act. The question of pictures used on labels and in advertisements is of increasing importance since the number has greatly increased; pictures create a more immediate impression than words and provide an easier way of introducing food produced by new methods of processing.

77. In 1949 the Ministry of Food, in explaining the principles of the advisory service which it was then operating, stated "exception has been taken to pictorial designs which mislead as to the nature, substance or quality of a product. Sometimes ingredients have been depicted which are not present in the food or are present only in negligible quantities. More often pictorial designs have been employed to suggest natural origins for artificial products, e.g. grapes depicted on the label of an imitation brandy from plain spirit, barley on the label of solution of acetic acid sold as a non-brewed condiment, or lemons on the label of a lemon flavoured powder made with citric acid."

78. The advisory service no longer exists but the principle embodied in this statement has continued to be applied by enforcing authorities when considering

possible offences under Section 6 of the Food and Drugs Act, 1955. They have, however, found it difficult to know where to draw the line between a picture which is clearly a deception and one which, although not strictly true, is most unlikely, in the context in which it appears, to deceive a purchaser. For example, if the picture on a packet of orange jelly depicts oranges the purchaser is entitled to expect that oranges, and not orange oil flavouring, have been used in the preparation of the jelly. On the other hand, the purchaser of a packet of meat extract cubes which depicts a pot of steaming stew is unlikely to assume that one of the cubes will provide the complete stew.

79. We think that additional guidance is needed so that producers and enforcement authorities alike may be clear as to the scope of the law. We have considered the various types of labels and advertisements which are current and we *recommend* as follows:

(i) *Origin:* any pictorial device purporting to show the natural origin of a food should be accurate, e.g. fruit must not be depicted on a food which contains only fruit flavouring.

(ii) *Content:* any pictorial device purporting to show the food in the container or what the food contents of the container can be made into must be accurate and it shall not be sufficient to make a disclaimer with such words as 'serving suggested' e.g. ingredients or garnishings must not be portrayed if they are not present in the container.

(iii) *Use:* when any pictorial device which appears on a label purports to show the food in the container being used with another food, it must be made clear on the label in close proximity to the pictorial device, either by printing there the appropriate designation of the food or by some other method, which is the food within the container unless the container is of such a size or shape that there can be no possibility of the consumer being deceived, e.g. there would be no objection to a tin of cream bearing a device showing the cream being poured out of the tin on to fruit, or to a small packet of icing sugar bearing a picture of an iced cake.

Designation of Food

80. The use of names of foods in designations or in designatory phrases to indicate the ingredients or component parts of a composite or compounded food creates a similar problem to the use of pictures. Again, the Ministry of Food in 1949 expressed a principle that 'when a name or designation of a product incorporates a name of a food, that food must ordinarily be present as an ingredient of the product in question. Furthermore it must be in significant quantity, and the purchaser will be misled if it is not present in an amount which, for one reason or another, the purchaser would expect. The amount will vary in different circumstances but in assessing the proportion of an ingredient which should be present the main criterion is not necessarily what is common commercial practice'.

81. In our Report on Food Labelling recommendations have been made which would ensure that specific designations applied to food are true and that details of ingredients are disclosed. We also *recommend* that:

(i) the addition of a disclaimer should not be accepted as justifying the use of a false or misleading name;

(ii) where a specific designation has been generally taken as indicating the specific composition or specific identity of a food, the designation must be used for the food whether or not it has been processed. The designation may only be used for another food if there is little difference in composition or if that other food has replaced the original food in common acceptance under the particular designation.

(iii) where the name of a food, the main ingredient of which is derived from a natural product, is used in a designation to indicate a specific flavour it shall only be used without qualification if that specific flavour is wholly derived from the genuine food indicated by the name. If the specific flavouring is at all artificial then the name of the food in the designation must be followed immediately in type of the same style, size and colour by the word 'flavour'.

Use of Adjectives

82. Clear and specific food names are often qualified and embellished by adjectives which are in fact superfluous, such as 'full cream' applied to liquid milk, or with expressions like 'super', 'packed with', 'rich', 'enriched', 'fancy', 'choice' and 'selected' which are used to imply a vague but substantially higher compositional quality than normal. Some of these words may have a precise meaning in certain circumstances but this meaning varies with the circumstances and is not generally understood by ordinary consumers. Our recommendations on appropriate designations should, if implemented, check the major abuses in the use of adjectives, but there will still be cases elsewhere of confusion and deception. We think it would be difficult to separate in any general regulations the legitimate use of adjectives from the uses which we think misleading. We therefore *recommend* that the Local Authorities Joint Advisory Committee should consult with food producers and distributors to see if it would be possible to draw up any code of practice in this field. Particular attention should be paid to the use of words which denote quality grades. It might be possible to agree on specific meanings for these words.

'Fresh'

83. The word 'fresh' is used in a number of senses and is often used with adjectives such as 'garden fresh', 'field fresh', 'ocean fresh', 'oven fresh', 'sun fresh', 'kitchen fresh', which may have an emotive effect but have no real meaning. The connotation of the word 'fresh' usually has some relation to the time which has elapsed since the food was produced or became food but, since modern methods of processing retard to a greater or lesser degree the effects of this lapse of time, it is very difficult to decide when it is being used legitimately. All uses of the word now tend in fact to be somewhat ambiguous. In the case of fresh fruit and vegetables, 'fresh' is used to indicate not that they have been harvested recently or are unchanged since harvest, but merely that they have not been processed. The decision whether the use of this word is justified can therefore only be made by balancing a large number of considerations. We think it is a word which should be used with a good deal more discretion than at present, but we do not consider that it would be sensible to make its use the subject of any statutory provision.

'Natural'

84. We consider that the word 'natural' should only be used without qualification in two senses: first, in the case of products such as colours and flavours, which belong to a class of which many members are synthetic, to indicate that the product is produced from biological material; secondly, to mean a raw, unmixed unadulterated and unprocessed product with no additions. We *recommend* that the word 'natural' should be confined to these two uses only. We would not object, however, to the word being used to describe a product in conjunction with some expression which indicates a process or the use of an additive e.g. 'natural lemon juice with preservative' or 'pasteurised natural lemon juice'.

'Pure'

85. 'Pure' is a similar word. We *recommend* that its use should be confined to products which contain no additive of any kind. In this case, we think that the word should never be used in any manner whatever to describe a product which contains additions; a phrase such as 'pure lard with antioxidant', for example, should not be permissible.

'Home-made'

86. The word 'home-made' has been applied to foods made in factories. We consider that the public understands this phrase as meaning that the food has been prepared in a domestic kitchen as distinct from a factory or a manufacturer's kitchen and *recommend* that the use of the word without qualification should be confined to this meaning. We see no objection however, to the use of an expression such as 'home-made style' to denote a product that was made in a fashion traditionally used in the domestic kitchen but was actually produced in a factory.

'Made of' and 'Made from'

87. We have dealt with the declaration of ingredients in our Report on Food Labelling and we take the view that selective declaration of ingredients should not be permitted. Advertisements, however, present a different problem and for them we *recommend* that the phrases 'made of' and 'made from' followed by the name or names of specific foods should be used only if the product concerned consists wholly of the foods named. The phrases 'made with' or 'containing' followed by the name or names of specific foods should be used if the product concerned includes any other ingredients than those so named.

Foreign Words and Standards

88. In 1949, the Ministry of Food reported that foreign words should not be used on labels to give a false impression that a food originated from the country indicated by the language. For instance, it is considered to be a misleading practice to label French Mustard produced in England with wording in French. We have received representations with regard to labels for imported foods. The complaints fall into two classes.

89. The first class includes the use of foreign designations and phrases, and of illustrations implying a foreign origin which might mislead the consumer into

supposing that the article originated from a foreign country. Sometimes foreign words are used to indicate a method of preparation and not a country of origin and we do not regard this as objectionable. In any event, false or misleading written indications as to the origin of any particular goods are prohibited by the Merchandise Marks Acts, 1887-1953 and we do not think any further control is necessary. Common or usual names, appropriate designations and lists of ingredients should normally be in what is accepted as everyday English. Chemical symbols and foreign terms not accepted as part of our language (i.e. not anglicised) are not usually satisfactory. It is, however, more difficult to decide how strictly these precepts should be applied. Clearly the names of foods should not be written in Chinese characters or Russian script unless they are repeated in English, but it is not so evident that it is undesirable to call foods that have no English name by their normal designation in another major Western European language. In our view, a requirement to use English in normal circumstances is implicit in the present Labelling of Food Order, but in view of the difficulties likely to be caused by a total ban on the accurate use of foreign words, we do not think that additional statutory requirements should be laid down.

90. Secondly, the question has been raised whether foreign goods should be sold with a description similar to that of an English food but with a lower standard of composition even when the name of the country is used adjectivally in the name of the food. We consider that this practice is prohibited by present law but we *recommend* that, to put the matter beyond doubt, it should be laid down clearly that, where English designations are used which have a compositional inference in this country, that inference should be respected, no matter where the product has been produced and whether or not the name of a foreign country is used as a prefix to the designation.

Use of 'Butter'

91. Difficulties arise in the use of the word 'butter' mainly in respect to flour, sugar and chocolate confectionery. The amount of butter used and the proportion of butterfat to other fats vary widely from product to product. We consider that the principle enumerated in paragraph 80 applies here. In the light of this principle, we do not think it necessary to lay down for all products that all the fat in a product which uses 'butter' in its name or claims the presence of butter should be butterfat, but it must contain sufficient butter to characterise it. It may often be best to apply this principle initially by means of a code of practice. When some experience has been gained, the question of statutory control should be considered. A code of practice on the use of the word 'butter' in respect of flour confectionery is in an advanced stage of negotiation and we do not, therefore, recommend any statutory control in this field for the time being.

92. In 1951 the Ministry of Food negotiated with the trade a Code of Practice (M.F.21/51) in which it was agreed that if to any item of chocolate or sugar confectionery the adjective 'butter' or a synonym was applied in its designation the product should contain at least 4% of milk fat. This Code of Practice has been observed. Although the prescription applies to synonyms such as 'butta' it permits a less amount of butterfat to be present if the word 'butter' is qualified

by the term 'flavoured'. On the other hand, there remains unchallenged the High Court case of Riley (Bros.) Ltd. v Hallimond (1927) in which the name 'Rum and Butter Toffee' was in question. The toffee contained 7% butterfat, the remainder of the fat being coconut fat. The defence was that if butter only were used the toffee would become sticky and difficult to handle. The majority of the court upheld a conviction imposed in a lower court holding that toffee could be made from various fats and that the word 'butter' implied that no other fat was present.

93. The apparent conflict has led to disparity of composition of butter toffees. Some butter toffees have a fat content made up wholly of milk fat, others have a milk fat content varying from 4½% to 9% with a total fat content in the region of 17%–20%. As to other sugar and chocolate confectionery, there appears to have been no difficulty with regard to the provision of a 4% minimum milk fat in the Code but the option does exist to put in less milk fat and use the words 'butter flavoured'.

94. We therefore *recommend* that where the word 'butter' or any synonym or any word implying the presence of butter is used in the description of sugar confectionery or chocolate products, the butterfat content of the product should be not less than 4% except when ingredients are used with which butterfat will not mix, e.g. nuts, or when the product consists of two distinct parts, e.g. a boiled sugar casing and a chocolate centre; in either instance the butterfat content should be not less than 4% of the part of the product with which the butterfat is mixed.

Use of 'Cream'

95. We have considered how the general principle enunciated in paragraph 80 above should apply to the use of the word 'cream' and derivatives of cream such as 'creamed' and 'creamy'. There is some ambiguity in the use of 'cream' because of the secondary meaning it has obtained of plasticity of texture due to air absorption or emulsification and of its comparatively recent use as a verb to describe the mechanical action of mixing together an oil or a fat and water for the formation of a creamy emulsion. These usages presumably originally derived from the practice of mixing some foods (e.g. potatoes) with milk or butter and whipping them into a plastic mass. The position is perhaps further complicated by the fact that the word originally derives from the Greek 'chrio', to anoint ('chrisma' unguent) and therefore from a 'cream' of olive oil. Consecrated Oil was indeed commonly referred to as 'cream' throughout the Middle Ages. There are a number of well-established uses of the word for products not containing butterfat. Two of these are recognised by regulations: salad cream and ice cream, though in the second case it is necessary to add the words 'contains non-milk fat'. Another use is 'confectionery cream' containing a mixture of icing sugar and fat.

96. We think that in cases of long-established usage such as salad cream, ice cream and confectionery cream and also where the context makes absolutely clear that the use of the word does not imply the presence of butterfat, the word 'cream' may be used. Otherwise, the use of the word 'cream', imitations such as 'kreme', 'kreem' and 'creme' and the word 'creamy' should be governed

by the general principle. We do not, however, consider that it is objectionable to use the word 'creamed' in connection with a product which is, or has been subjected to a process of a kind mentioned in the second sentence of paragraph 95 above, provided it is not itself wholly or mainly a dairy product. We *recommend* accordingly. This recommendation does not apply to the use of the word 'cream' in respect of soups. We propose to deal with this question in our forthcoming report on canned and powdered soups.

Use of 'Digestive'

97. In 1949 the Ministry of Food reported that it had stopped the misuse of the adjective 'digestive' in many cases. These were in respect of products such as tea, flour, cocoa and suet, where the description misled the purchaser into thinking that the product had specific digestive properties. In respect of 'digestive' biscuits, the Ministry had secured the general adoption of the additional name 'sweetmeal' so that in due course 'it will be practicable for the description 'digestive' to be discarded as it has already been by a number of biscuit manufacturers.' The word 'digestive' is, however, still applied to biscuits by some manufacturers and, although the word 'sweetmeal' also appears on the label and in advertisements, the word 'digestive' is dominant and is used as the selling name. In our view, the word 'digestive' denotes self-digestibility which makes it inappropriate as a word applied to foods. We *recommend* that the word 'digestive' or any synonym should not be permitted to be used as part of the name of any food.

3. DESCRIPTIONS OF SPECIFIC FOODS OR TYPES OF FOOD

Dried Foods

98. There are now a number of processes of dehydration and there is some reluctance to use the word 'dried' because of its association with earlier methods of dehydration which could not produce the close return to the composition, flavour and texture of the original article that can now be achieved. We consider that it would often be helpful to the customer if the precise method of drying e.g. 'roller-dried', 'spray-dried', 'accelerated freeze-dried' were stated but we do not think this should be made obligatory. We are of the opinion, however, that an indication that the product has been dried should be given much more freely than at present, but that Statutory Control should be confined to uncompounded food which is sold dried but which can also be purchased in its natural state. In such cases, we *recommend* that the word 'dried' should always immediately precede the name of the food. If possible the full name of the process should appear as the qualifying phrase, that is we would prefer 'accelerated freeze dried X' to 'dried X' but at least 'dried X' should be obligatory. This recommendation would not apply to a dried extract of coffee since we have already recommended in Paragraph 127 of our Report on Food Labelling that this product should be described as 'Instant Coffee'.

Dry Mixes

99. Dry Mixes are sold to make complete articles of food, particularly cakes, soups and sauces, and usually need only the addition of water. Sometimes, however, they require milk instead of water, or other ingredients such as butter and eggs. This can be very misleading unless the need for the additional in-

gredients is clearly stated. We therefore *recommend* that these products should be described as 'X mix', 'X' being the name of the product that the mix will make with the addition of water. If any ingredient, apart from water, is required, this fact should be stated in close association with the designation, by adding the words 'Add Y', 'Y' being the name of the ingredient or ingredients required to be added. In no case should a mix be called a 'complete mix' unless only water is required to be added.

100. We shall deal with the question whether this recommendation on nomenclature should apply to powdered soups in our review of canned and powdered soups.

Meat and Fish Products

101. The words 'cutlet', 'steak' and 'chop' have a fairly precise meaning when applied to carcase meat and, in the case of the first two, to fish, but they are now applied in a somewhat confusing way to comminuted products. Among meat products, the word 'steak' is applied to two products, 'Vienna steak' and 'Cambridge steak', which are of rissole form consisting of beef seasoning and flavouring. The word 'cutlet' is frequently used for rissole-type products. A rissole is an entree of meat or fish, chopped up and mixed with breadcrumbs, egg, etc., rolled into a ball or a small cake. A croquette is similar in composition, being a ball of cereal, potato or finely minced meat or fish, seasoned and fried crisp.

102. It is a common practice to use diminutives of words applied to carcase meat—'cutlette', 'steakette', 'steaklet' both for comminuted meat or fish and for comminuted meat or fish products. The word 'fillet' is now applied to a frozen product of comminuted fish.

103. There is a range of products consisting basically of meat, cereal and seasoning descending from the original hamburger which by false etymology (as if the word derived from ham and not Hamburg) have names such as 'beefburger'; 'lamburger' and 'cheeseburger', though a cheeseburger contains cheese and beef as well as cereal and seasoning and not cheese only as might be supposed from the name. 'Fritter' is a word used for portions of batter containing slices of food fried in oil, lard, etc. These sometimes contain meat or fish in varying quantities.

104. We consider that some action is necessary to control the spread of confusing names in this field and we think the compositional aspects might be reviewed in the course of the present consideration of regulations covering these products. As far as our review is concerned we *recommend* the following provisions:

(i) The words 'steak', 'cutlet', 'chop' and 'fillet' should not be used as nouns in the description of any comminuted meat or fish product except where the product has merely been subject to a process and that process is clearly described, e.g. 'minced steak';

(ii) where diminutives of terms properly describing unprocessed meat or fish are used, they should be applied only to a comminution of fish or meat, the name of which should prefix the noun chosen.
The product should consist of a specified percentage of the fish or meat;

(iii) where the suffix '—burger' is used, the product must consist of a mixture of comminuted meat with cereal filler and seasoning, the type of meat being stated as a prefix except that the word 'hamburger' may be used if the meat is beef. If such a product has two or more major ingredients apart from cereal both should be mentioned in the name of the food. The product should have a specified minimum meat content;

(iv) if a fritter is claimed as a meat or poultry fritter, the type of meat or poultry should be stated before the word 'fritter'.

Fish Fingers or Sticks

105. We have considered these products which are distinctive in shape and are composed of whole fish or comminuted fish, sometimes coated with batter. We consider that the descriptions applied to them are satisfactory and do not need specific control.

Vinegar

106. Vinegar is a product of the alcoholic and acetous fermentation of a sugar-containing solution without any intermediate distillation, except in the case of Spirit Vinegar as defined in (*c*) below. It may be made from various materials and may be flavoured or unflavoured. The following are descriptions of unflavoured vinegars at present used:

(*a*) *Wine Vinegar.* Vinegar made by the double fermentation process set out above, the alcoholic fermentation being from grapes.

(*b*) *Malt Vinegar.* Vinegar derived without intermediate distillation, wholly from malted barley, with or without the addition of entire cereal grain malted or otherwise, the starch of which has been converted to sugar (saccharified) by the diastase of malt.

(*c*) *Spirit Vinegar.* Vinegar made by the acetous fermentation of a distilled alcoholic fluid, itself produced by fermentation.

(*d*) *Fruit Wine Vinegar.* Vinegar made from a mixture of non-grape, or grape and non-grape, fruit wines.

(*e*) *Cider Vinegar.* Vinegar made from the alcoholic fermentation of the juice of apples, followed by the acetous fermentation.

(*f*) *Distilled Vinegar.* Vinegar made by the distillation of malt vinegar.

107. We consider that there is a need for clear nomenclature in this field and we *recommend* that the names listed above should become obligatory. We do not consider that there should be a similar control on the names of flavoured vinegar. It should also be forbidden to use the word 'Vinegar' to describe solutions of acetic acid, whether flavoured or not, and we *recommend* accordingly.

Liqueur Chocolates

108. We have considered the Code of Practice in respect of liqueur chocolates negotiated by the Ministry of Food, relating to 'liqueur chocolates containing non-spirituous flavoured syrup'. The Code provides that these products may be labelled 'imitation liqueur chocolates' provided the designation is followed immediately by the word non-alcoholic in substantially the same size type.

Genuine liqueur chocolates are capsules of chocolate which contain genuine liqueurs or spirits. The presence of liqueurs or spirits can properly be indicated in respect of these products by illustrations or by the use of the liqueur names in connection with the designation. Most liqueur chocolates contain between 0.4 and 1.3 proof gallons per 100 lb. of chocolate with a mean of about 0.9 proof gallons. Chocolates, however, which contain merely a flavouring of liqueur or spirits or any other food either as part of the fondant centre or as part of the chocolate itself should, we consider, be treated as flavoured chocolate. They should conform to the recommendations made in Paragraph 79 as to illustrations, and to the recommendations made in Paragraph 81 as to designations. Thus, if a chocolate is solely flavoured with brandy the word 'brandy' without qualification may be used as an adjective. If, to any degree, the brandy flavouring is attributable to artificial matter, the word 'brandy' if it is used in the designation or in any subsidiary description must be followed by the word 'flavour' in precisely the same type. We *recommend* accordingly and further *recommend* that the description 'liqueur chocolate' should not be permitted for chocolates containing non-spirituous flavoured syrup no matter how the description is qualified.

Shandy

109. Shandy is composed of lemonade and beer. Sometimes ginger beer is used (the original shandy-gaff) instead of lemonade, in which case the use of ginger beer is usually indicated in the name (ginger beer shandy). The alcoholic strength of shandy sold in public houses varies considerably but seems to average a little above 3% proof spirit–though it may drop to below 2%.

110. A few years ago, a firm began marketing canned shandy consisting of a mixture of two-thirds lemonade and one-third beer with the resultant strength of less than 2% proof spirit. Within the last two years a number of firms have entered the canned and bottled shandy market and the strength of their products have varied from under 1% proof spirit to just under 2% proof spirit. Some enforcement authorities have concerned themselves with these products and have been divided as to the strength which the drinks should be. One view has been that the drinks should not be less than 2% proof spirit strength and should come within licensing law and be sold only on licensed premises. The other view has been that the minimum strength should be about 1.8% proof spirit and that if the shandy is made to that strength it can properly be regarded as shandy and it follows that because its strength is less than 2% proof spirit it can be sold from unlicensed premises. Practice has, to a widespread degree, followed the second view and a considerable quantity of different makes of shandy are so composed and sold. There remain, however, in some parts of the country some canned shandies as weak as about 1% proof spirit and there also remains the attitude of some enforcing authorities that all shandies should be over 2% proof spirit.

111. It would be desirable for the nomenclature to be stabilised and it seems reasonable that a figure somewhere about 1.8% proof spirit should be aimed at. We consider that, in view of the fact that even the exact manufacturing procedures in a brewery or factory can work no finer than to an error of 0.3% proof spirit, it would be reasonable to require an absolute minimum standard of 1.7% proof spirit. We *recommend*, therefore, that the name 'shandy' or any

name likely to lead a person to suppose that the article to which it was applied was shandy should be used only for a mixture of lemonade and beer with a minimum strength of 1.7% proof spirit. The names 'ginger beer shandy' or 'shandy gaff' or any name indicating a mixture of ginger beer and beer should be used only for a mixture of ginger beer and beer with a minimum strength of 1.7% proof spirit.

Mustard and Cress

112. Originally, a mixture of plants sold as salad herbs under the name 'mustard and cress' consisted truly of a mixture of mustard (*Brassica alba Boiss*) and cress (*Lepidum sativum L*). Some time after 1920 substitution wholly or partly of rape (*Brassica napus* L.var. *oleifera* Del) for mustard began. Rape has a larger seed leaf, is cheaper, and more quickly grown than mustard; it does not go so soft, its taste is bland compared with the taste of mustard. The present position is that what is sold as 'mustard and cress' may be truly mustard and cress or it may be rape and cress or it may be rape and cress with a small addition of mustard to improve the flavour. A number of packs substantially of rape and cress have been sold under designations which do not enlighten, e.g. 'sunsalad', 'springsalad' and the like.

113. We *recommend* that the term 'mustard and cress' should be applied only to mixtures of *Brassica alba* and *Lepidum sativum* respectively, *Brassica alba* being in greater proportion than *Lepidum sativum*. *Brassica napus* should invariably be referred to as 'rape'. Any description which contains two or more of these names should have the names listed in descending order of quantity of the presence of the plants in question.

CHAPTER IV: SUMMARY OF RECOMMENDATIONS

1. CLAIMS

114. (1) Regulations controlling claims should cover claims made for whole classes of food (para. 4).
(2) Claims for general benefit are adequately dealt with by Section 6 of the Food and Drugs Act, 1955 (para. 10).
(3) Certain general provisions should be laid down covering all claims (para. 13).
(4) Claims based on caloric contribution should be permitted only if certain conditions are fulfilled (para. 18).
(5) No claim for a food as a source of protein should be permitted unless 20% caloric content is provided by protein and unless the amount normally consumed in a day contributes 10 grams (para. 19).
(6) No claim that dietary fats are a protection against or a benefit to sufferers from heart disease should be permitted (para. 20).
(7) Instead of the statement required by Articles 9(1) and (2) of the Labelling of Food Order, 1953 a statement along the following lines should be prescribed:
'Each oz. of this food will provide two-fifths of the normal daily adult allowance of vitamin A' (para. 28).
(8) The normal daily adult allowance should be laid down as in the table at Appendix A. (para. 29).

(9) Products containing vitamin D should also state the amount present in a standard weight or quantity of the product (para. 30).

(10) General provisions as to vitamin claims should be laid down on the lines of the present Code of Practice (para. 33).

(11) No change should be made in the present provision of Article 9(2) of the Labelling of Food Order, 1953 that no claim should be considered to have been made if the only suggestion that a substance was present in food was its inclusion in a statement of ingredients (para. 34).

(12) Claims for vitamins and minerals not mentioned in the Second Schedule to the Labelling of Food Order, 1953 should be prohibited (para. 36).

(13) Folic acid should be added to the Second Schedule of the Labelling of Food Order, 1953 (para. 37).

(14) Article 9 of the Labelling of Food Order, 1953, should be extended to non-pre-packed food (para. 38).

(15) The exemptions in Articles 9(3) and (4) of the Labelling of Food Order, 1953 should be withdrawn (para. 38 and 39).

(16) The provision with regard to advertisements in Article 9(7) of the Labelling of Food Order, 1953 should be maintained provided the phraseology in the advertisement is not inconsistent with that compulsorily imposed by the quantitative statement on the label (para. 40).

(17) General provisions should be laid down in respect of slimming claims (para. 52).

(18) Specific provisions should be laid down in respect to claims as aids to slimming of low-calorie whole diet preparations, low-calorie substitute foods, starch-reduced foods, low-calorie filling foods, aerated foods and artificial sweeteners. (paras. 53-55).

(19) The proposals as regards slimming claims should be reviewed five years after the making of regulations (para. 51).

(20) No claims as aids to slimming should be permitted for diet supplements (para. 56).

(21) Specific provisions should be laid down for foods claimed as suitable or specially prepared for diabetics (para. 59).

(22) The prohibition on medical claims for liquors containing alcohol in Article 8(*g*) of the Labelling of Food Order, 1953 should be extended to all foods (para. 62).

(23) Claims that a food can cure, alleviate or prevent disease should only be made if certain information is also provided (para. 63).

(24) Claims for restorative properties should be limited, apart from natural foods, to foods which will provide not less than 25 grams of protein daily when consumed in reasonable amounts. Certain conditions should also be laid down (para. 68).

(25) Certain foods should be permitted to be described as suitable for invalids (para. 69).

(26) No claims for tonic properties should be permitted (para. 70).

(27) No change should be made in the provisions in Article 8(*g*) of the Labelling of Food Order in regard to Indian Tonic Water and Quinine Tonic Water (para. 71).

2. MISLEADING DESCRIPTIONS

115. (1) Pictorial devices purporting to show the natural origin of a food should be accurate; they should not portray food not present in the container except where the pictures of other foods are such that there is no possibility of the consumer being deceived (para. 79).

(2) Three additional provisions should be laid down concerning the designation of foods (para. 81).

(3) The Local Authorities Joint Advisory Committee should consult food producers and distributors about the possibility of drawing up a code of practice on the usage of certain adjectives (para. 82).

(4) The use of the word 'natural' should be restricted to certain definite meanings (para. 84).

(5) The use of the word 'pure' should be restricted to a definite meaning (para. 85).

(6) The use of the word 'home-made' unqualified should be confined to foods produced in a domestic kitchen (para. 86).

(7) The phrases 'made of' and 'made from' should only be used in advertisements where the food or foods listed comprise the whole of the product concerned. Where this is not the case 'made with' or 'containing' should be used (para. 87).

(8) Where English designations are used which have a compositional inference in this country, that inference should be respected, no matter where the product has been produced and whether or not the name of a foreign country is used as a prefix to the designation (para. 90).

(9) The use of the word 'butter' in respect of flour confectionery should not be subjected to statutory control for the time being (para. 91).

(10) The word 'butter' should only be used in respect of sugar confectionery and chocolate products if they contain not less than 4% butterfat (para. 94).

(11) The use of the word 'cream' should be governed by the general principle set out in paragraph 80; the word 'creamed' should not be forbidden for an emulsified product other than a dairy product (para. 96).

(12) The word 'digestive' or any synonym should not be permitted to be used as part of the name of any food (para. 97).

(13) The word 'dried' should always immediately precede the name of any uncompounded food which is sold dried but which can also be purchased in its natural state (para. 98).

(14) Dry mixes should be described as 'X mix', X being the name of the product that X will make with the addition of water. If any ingredient apart from water, is required, this fact should be stated in close association with the designation by the use of the words 'Add Y', 'Y' being the name of the ingredient or ingredients required to be added. In no case should a mix be called a 'complete mix' unless only water is required to be added (para. 99).

(15) Restrictions should be placed on the use of certain descriptions of meat products (para. 104).

(16) Unflavoured vinegars should be described by certain specific names, and it should be forbidden to use the word 'Vinegar' to describe solutions of acetic acid (para. 107).

(17) The description 'Liqueur chocolate' however qualified, should not be permitted for chocolates containing non-spirituous flavoured syrup. These should conform to the recommendations in paragraphs 79 and 81 of this report and be regarded as flavoured chocolates (para. 108).

(18) The name 'shandy' should be used only for a mixture of lemonade and beer with a minimum strength of 1.7% proof spirit; 'ginger beer shandy', 'shandy gaff' or any name indicating a mixture of ginger beer and beer should be used only for a mixture of ginger beer and beer with a minimum strength of 1.7% proof spirit (para. 111).

(19) The term 'mustard and cress' should be applied only to mixtures of *Brassica alba* and *Lepidum sativum*. *Brassica napus* should invariably be referred to as 'rape'. (para. 113).

VITAMINS AND MINERALS—NORMAL DAILY ALLOWANCE FOR ADULTS

(see para. 29)

'Recommended Allowances' of Nutrients

1. The term 'Recommended Allowance' is often confused with 'requirement'. The two are however different. A recommended allowance is usually derived by estimating, on the best available evidence, what the average requirement is likely to be, and adding thereto a safety margin to allow for the fact that individuals vary widely in their needs for nutrients. The problem is further complicated in that the average requirement of nutrients is known only within wide limits, and in that the recommended allowances themselves differ from country to country particularly in respect of the proportion of individuals whom they are designed to protect. Thus the U.S. (National Research Council, 1964) Allowances are 'those.....which will maintain good nutrition in essentially all healthy persons.....under current conditions of living'. The Allowances of the British Medical Association's Committee on Nutrition (1950) 'are believed to be sufficient to establish and maintain a good nutritional state in representative individuals in the groups concerned. It is recognised that in every group there must be cases where the need for one or other nutrients is greater than that of the average.' Paradoxically, the amounts recommended in the latter set of allowances are in some instances higher than in the former. In the international field W.H.O. and F.A.O. have set out standard allowances for some nutrients but their work is far from complete.

Considerations Guiding the Choice of Figures

2. Although the table of U.S. allowances (1964) is the most recent estimate, we note a progressive tendency, over the years, for their allowances to approach those of the British Medical Association's Committee on Nutrition. Therefore we have adopted the latter using the allowance for the adult male, except where there is an obvious contraindication.

3. *Vitamin A* is expressed as International Units (i.u.) of pre-formed vitamin A; precursors shall be expressed in i.u's. of vitamin A on the basis that 1.8 micrograms of β-carotene is the equivalent of 1 i.u. according to the following:—1 g. of vitamin A (alcohol) is equivalent to 3.3×10^6 i.u., while 1 g. of β-carotene actually utilised is by definition equivalent to 1.66×10^6 i.u. The average efficiency of utilisation of ingested food β-carotene is taken to be one third. Therefore 1 i.u. derived from food

$$\beta\text{-carotene requires } \frac{3}{1.66} \text{ micrograms } \beta\text{-carotene in the food} = 1.8 \text{ micrograms.}$$

If then the allowance is 2.500 i.u./day it can be obtained by 2,500 x 0.3 micrograms vitamin A i.e. 750 micrograms or taking into account the efficiency of utilisation referred to above, by 4,500 micrograms of ingested food β-carotene *in vivo*.

4. *Vitamin C.* There is unresolved disagreement between this country and United States as to human needs for vitamin C. As the U.S. allowance for vitamin C is not accepted by most nutritionists in this country the B.M.A. Nutrition Committee's figure of 20 mg. is preferred.

5. *Vitamin D.* Neither U.S. nor U.K. allowances include a figure for vitamin D for adults, nor have W.H.O. and F.A.O. yet considered adult requirements. Since, in any case, the point of special interest is likely to be the contribution made by the food to the vitamin D requirements of the child, we consider that for the purpose of a yardstick a figure of 400 i.u. (with which both countries are in accord) should be used.

6. *Nicotinic Acid (Niacin).* Subsequent to the publication of the B.M.A. Committee's Allowances, it became recognised that tryptopban was, to some extent a precursor of niacin. This led to tbe use, in the U.S. Allowances, of a figure for 'niacin equivalent', but it is not practicable to take it into account in a Table for these purposes.

7. *Iodine.* A figure of 0.15 mg. of iodine is in accord with the U.K. recommendations and is not incompatible with tbose of the U.S.

8. *Folic Acid.* Dietary deficiencies of folic acid can occur, and in the absence of a figure in either set of allowances we suggest a daily intake of 0.1 mg. as a yardstick.

9. *Other Nutrients.* Whilst man requires cyanocobalamin and pyridoxine, the amounts needed are not known precisely enougb to allow a figure to be given.

Recommended Table of Normal Adult Allowances

10. The following table is therefore proposed for the purposes of recommended allowances (paragraph 29 refers):

Protein	80 g daily
Calcium	0.8 g daily
Iron	12 mg daily
Vitamin A	2,500 i.u. daily calculated as pre-formed Vitamin A
Vitamin C (Ascorbic Acid)	20 mg daily
Vitamin D	400 i.u. daily
Thiamine	1.2 mg daily
Riboflavine	1.8 mg daily
Nicotinic Acid	12 mg daily
Iodine	0.15 mg daily
Folic Acid	0.1 mg daily (provisional)

References

Britisb Medical Association (1950) Report of the Committee on Nutrition. (B.M.A. Tavistock Square, London W.C.1.)
National Academy of Sciences; National Researcb Council (1964). Recommended Dietary Allowances. 6th edition. Pub. No. 1146. Washington D.C.

REPORT ON CLAIMS

EXTRACT FROM PRESCRIBERS' JOURNAL
(September 1961: Volume 1. No. 4)

TONICS

Patients who come to their doctors with subjective complaints for which no organic basis can be found often ask for a 'good tonic'. The absence of a sense of well-being, one of the prerequisites of a happy life, may be due to many causes. It may result from the malaise that precedes or follows an illness. The patient may feel that he is just not up to his usual standard of physical or mental efficiency or may be concerned about the function of one of his organs. There may be a background of poor nutrition. Often, however, it is a manifestation of loneliness and frustration. The patient may ask for a tonic when actually hoping for discussion and advice. The doctor is thus placed in a difficult position for he must not only exclude the presence of any serious organic illness, but must try to interpret and understand the patient's real needs.

Many patients still expect a 'tonic' after an infectious illness or surgical operation. The tonics commonly prescribed under these circumstances usually contain glycerophosphates, vitamins and strychnine. It must be appreciated that in the circumstances and doses in which they are given they have no appreciable pharmacological action. Their effect, if any, depends entirely on therapeutic suggestion. As infections and surgical operations lead to a considerable catabolism of lean tissue the money would be better spent on additional first class protein. Unfortunately some patients will not accept willingly this advice and insist on having a bottle of medicine with supposed tonic properties. As the effect of therapeutic suggestion is usually short-lived only two or three days supply of the mixture is indicated. Those listed under Bitters and Tonics in the B.N.F. are as ineffective as proprietaries in speeding convalescence but are cheaper.

Tonics account for about 3.5 per cent of all National Health Service prescriptions issued in England and Wales. The annual expenditure on tonics within the National Health Service (England and Wales) is more than one million pounds.

There is no such thing as a general tonic which will expedite a return to normal health. Many preparations are formulated to contain iron, vitamins or minerals in small amounts but these substances are only of value when they are given to remedy an actual deficiency. Then they must be administered in an effective dose which is rarely present in the tonic mixture. For example, the iron present in some tonics is quite insufficient for the correction of an iron deficiency anaemia. The habitual use of expensive preparations containing a multiplicity of vitamins with or without alcohol cannot be defended. There is no scientific evidence that the widespread consumption of vitamin supplements decreases the incidence of minor ill-health.

Many women who feel 'run down' and ask for a 'tonic' may well have a mild iron deficiency anaemia, but this diagnosis, if confirmed, should be treated with therapeutically adequate quantities of iron. The use of liver extract as a 'tonic' bespeaks an uncritical state of mind because, if the patient has an undiagnosed anaemia, the blood picture will become confused and accurate diagnosis impossible. Similarly, the indiscriminate use of cyanocobalamin as a 'tonic' is not justifiable. In fact, there are no controlled clinical trials which demonstrate true tonic properties for any of the pharmaceutical products which are described as tonics.

LIST OF ORGANISATIONS AND INDIVIDUALS FROM WHOM EVIDENCE HAS BEEN RECEIVED

Aberdare Urban District Council.
Miss M. A. Abrahams.
Association of Municipal Corporations.
Association of Public Analysts.
Association of Public Health Inspectors.

Barking Borough Council.
British Baking Industries Research Association.
British Medical Association.
Butter Information Council.

Chingford Borough Council.
City of Birmingham.
City of Coventry.
Consumer Advisory Council.
*Consumer Council.
County Councils Association.

Durham County Council.

Energen Foods Company Limited.

*Food Manufacturers' Federation Incorporated.
Frimley and Camberley Urban District Council.

Good Housekeeping Institute.
Grimsby County Borough Council.

High Wycombe Borough Council.

*Incorporated Society of British Advertisers.
*Independent Television Authority.
Institute of Practitioners in Advertising.
Institute of Weights and Measures Administration.

Kingston upon Hull County Borough Council.

Leyton Borough Council.

Thomas McLachlan Esq., Public Analyst.
Metropolitan Boroughs Standing Joint Committee.
Middlesbrough County Borough Council.
Milk Marketing Board.
Monmouth County Council.

National Association of British and Irish Millers.
National Association of British Wine Producers.
National Association of Soft Drinks Manufacturers.
National College of Food Technology.
National Farmers Union.
North Riding of Yorkshire County Council.

Parliamentary Committee of the Co-operative Union Limited.
Proprietary Association of Great Britain.

Rural District Councils Association.

Salmon Net Fishing Association of Scotland.
South African Wine Farmers Association (London) Limited.

Professor John Yudkin.

*Gave Oral Evidence.

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